

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1135**

Introduced by Brashear, 4

Read first time January 17, 2006

Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to adopt the Uniform Conflict  
2 of Laws Limitation Act; to harmonize provisions; and to  
3 outright repeal section 25-215, Reissue Revised Statutes  
4 of Nebraska.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 7 of this act shall be known and  
2 may be cited as the Uniform Conflict of Laws Limitations Act.

3           Sec. 2. For purposes of the Uniform Conflict of Laws  
4 Limitations Act:

5           (1) Claim means a right of action that may be asserted in  
6 a civil action or proceeding and includes a right of action created  
7 by statute;

8           (2) State means a state, commonwealth, territory, or  
9 possession of the United States, the District of Columbia, the  
10 Commonwealth of Puerto Rico, a foreign country, or a political  
11 subdivision of any of them; and

12           (3) Resident means an individual who is domiciled in  
13 this state, a corporation that is either incorporated or has its  
14 principal place of business in this state, or an unincorporated  
15 entity that has its principal place of business in this state.

16           Sec. 3. (1)(a) Except as provided by section 5 of this  
17 act and subsection (2) of this section, if a claim is substantively  
18 based:

19           (i) Upon the law of one other state, the limitation  
20 period of that state applies; or

21           (ii) Upon the law of more than one state, the limitation  
22 period of one of those states chosen by the law of conflict of laws  
23 of this state applies.

24           (b) The limitation period of this state applies to all  
25 other claims.

1           (2) If a cause of action arises outside of this state and  
2   the action is barred under the applicable statute of limitations  
3   of the place where it arose, the action may be maintained in this  
4   state if the plaintiff is a resident of this state who has owned  
5   the cause of action since it accrued and the cause of action is not  
6   barred under the applicable statute of limitations of this state.

7           Sec. 4. If the statute of limitations of another state  
8   applies to the assertion of a claim in this state, the other  
9   state's relevant statutes and other rules of law governing tolling  
10   and accrual apply in computing the limitation period, but its  
11   statutes and other rules of law governing conflict of laws do not  
12   apply.

13           Sec. 5. If the court determines that the limitation  
14   period of another state applicable under section 3 or 4 of this act  
15   is substantially different from the limitation period of this state  
16   and has not afforded a fair opportunity to sue upon, or imposes  
17   an unfair burden in defending against, the claim, the limitation  
18   period of this state applies.

19           Sec. 6. The Uniform Conflict of Laws Limitations Act  
20   applies to claims accruing after the effective date of this act.

21           Sec. 7. This act shall be applied and construed to  
22   effectuate its general purpose to make uniform the law with respect  
23   to the subject of the Uniform Conflict of Laws Limitations Act  
24   among states enacting it.

25           Sec. 8. The following section is outright repealed:

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1 Section 25-215, Reissue Revised Statutes of Nebraska.